IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Con.Case(C).No. 1165 of 2007(S)

NON-COMPLIANCE OF THE JUDGEMENTIN WA.647/2006 Dated 21/12/2006

PETITIONER:

A. PIOUS, AGED 36 YEARS,
S/O. ANTONY JOSEPH, NON-VOCATIONAL TEACHER
(GENERAL FOUNDATION COURSE), ST.MICHAEL'S
VOCATIONAL HIGHER SECONDARY SCHOOL, KUMBALAM,
KOLLAM, RESIDING AT ANANDA BHAVANAM,KUMBALAM P.O.,
MULAVANA, KOLLAM.

BY ADV. SRI.ELVIN PETER P.J.
SRI.NAVEEN.T

RESPONDENT:

SRI. JAMES VARGHESE
SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPTT.,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY SENIOR GOVERNMENT PLEADER SMT. MEERA

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

Cont. Case (Civil) NO.1165 OF 2007

Dated this the 13th August, 2007

JUDGMENT

H.L.DATTU, C. J.

Alleging that the respondent has not complied with the orders and directions issued by this Court in W.A.No.647 of 2006, dated 21st December, 2006, the complainant is before us in this contempt petition.

2. Learned Government Pleader appears for the contemnor. On instructions, learned Government Pleader has produced the orders passed by the State Government on 23rd June, 2007. The said order reads as under:

> "As per the Government Order read as first and second above Special Rules for the Kerala Vocational Higher Secondary Education State and Subordinate Service Rules (2004) was promulgated after following the procedures prescribed for promulgating statutory rules and notified in March 2004. Government had also initiated action for the preparation of the Special Rules in aided Sector. Meanwhile a large number of amendments were recommended by the subject committee Curriculam Committee and the Teachers Service Organizations and several OP and WPs were filed before the Honourable Court for the finalisation of the Special Rules for aided sector as well as for incorporating the amendments to certain qualifications prescribed in the Special Rules. The Honourable Court ordered time limit direction to finalize the amendment proposals as well as the formulation of Special Rules for the aided sector.
>
> Since formulating rules are statutory functions so many statutory procedures as laid down by Government are to be followed which are time consuming processes. Meanwhile in order to honour and comply with the direction of the Honourable High Court amendment to the Special Rules of Government Sector have been issued in anticipation of approval of PSC and Sub Committee vide the Government Order read as 5th paper above. Since Government may not able to adhere to the time limit specified by the Honourable Court in the OP/WPC and Contempt Court Cases filed in connection with the issuance of Special Rules for aided sector, Government have decided to make the Kerala Vocational Higher Secondary Education State Service Rules and Kerala Vocational Higher Secondary Education Subordinate Service Rules

2004 and amendments thereto issued subsequently as per the Government Order read as fifth paper as applicable to the aided sector of Vocational Higher Secondary Education also.

Accordingly, Government are pleased to extend the Kerala Vocational Higher Secondary Education State Service Rules 2004 and Kerala Vocational Higher Secondary Education Subordinate Service Rules 2004 and the amendments thereto issued as per the Government Order read as fifth paper above mutatis mutandis to the aided sector of Vocational Higher Secondary Education also with immediate effect. Statutory rules in the aided sector will be subsequently after following all the procedures required for promulgating the rules. Director of Vocational Higher Secondary Education will take further necessary action in this regard."

3. In view of the orders passed by the State Government on 23rd June, 2007, we are of the opinion that, for the present, we need not have taken cognizance of this contempt petition. Therefore, the proceedings are dropped. However, liberty is reserved to the complainant to approach this Court, if need arises in future.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/